

Application No. 10/764,203  
Amendment Dated June 16, 2005  
Reply to Office Action of January 19, 2005

### **REMARKS**

In the Patent Office Action dated January 19, 2005, claims 1-23 were examined with the result that all claims were rejected. In response, Applicant has canceled claims 4, 15 and 20, and rewritten claims 1, 5, 13, 16, 17 and 21. In view of the above amendments and following remarks, reconsideration of this application is requested.

In the Office Action, claims 1-11 and 13-23 were rejected under 35 USC §103(a) as being unpatentable over Coulter U.S. Patent 4,572,484 in view of Heinemann et al U.S. Patent 5,947,719. It was the Examiner's position that Coulter discloses a pallet construction that includes a pallet deck having a series of slots formed therein and a support frame for the pallet deck. Although Coulter does not show the use of staggered slots, the Examiner cited Heinemann et al for its teaching of staggered slots. Therefore, the Examiner concluded that it would be obvious to modify the pallet construction of Coulter to add the staggered slots of Heinemann et al.

Before turning to the rejection of record, Applicant would like to summarize the amendments made to independent claims 1, 13 and 17. Essentially, Applicant has amended these claims to more specifically describe the support frame by calling for the support frame to be a framework of an outer frame member, an inner frame member, a leading frame member, and a trailing frame member. In addition, these claims now call for a plurality of spaced-apart horizontal brace members disposed between the leading and trailing frame members and extending between the inner and outer frame members. Finally, these claims now call for a plurality of angular cross braces which interconnect the inner, outer, leading and trailing frame members with the horizontal brace members and intersect the horizontal brace members at acute angles. Support for this amendment can be found in the specification at paragraph [0032] on page 8 of the application as filed as well as in Figures 5 and 6 of the application as filed. Thus, no new matter has been introduced into the claims.

Application No. 10/764,203  
Amendment Dated June 16, 2005  
Reply to Office Action of January 19, 2005

The additions made to the independent claims 1, 13 and 17 necessitated the cancellation of original dependent claims 4, 15 and 20 as the limitations of these dependent claims are now incorporated into their respective independent claims. The amendments to the independent claims also necessitated revising dependent claims 5 and 21 to be consistent with the language inserted into the independent claims. Finally, the Examiner should note that claim 16 was amended merely to correct a typographical error in the preamble.

The "gist" of the present invention is to maximize gas flow through the pallet construction by maximizing the open area of the slots in the deck without reducing the structure strength of the pallet. Neither the Coulter nor the Heinemann et al patent discusses ways to increase the open area of the deck without reducing the structural integrity of the pallet. Also, neither the Coulter nor the Heinemann et al patent describe or teach the concept of using the top deck as a primary load carrying structural element for the product, or make any suggestion that by doing so, one could reduce the amount of needed structural support underneath the top deck. In fact, as described in the application as filed, the use of staggered slots is for structural purposes, not even distribution of gas flow, although even distribution of gas flow also results from the use of staggered and parallel slots.

The Heinemann et al patent refers to using staggered slots to develop an even distribution of gas flow. No mention is made in Heinemann et al of using staggered slots to strengthen the top deck, and thus reduce the amount of structural support required to be provided by the supporting frame. The Heinemann et al patent states that the honeycomb support structure underneath its deck must also be staggered when the slots are staggered, and there is clearly no suggestion in Heinemann et al that one could reduce the amount of structural support underneath the top deck, or that angled cross braces could be utilized. As the present invention utilizes the slotted deck as a structural component, and thus advantageously also utilizes the load distribution pattern produced by staggered slots

Application No. 10/764,203  
Amendment Dated June 16, 2005  
Reply to Office Action of January 19, 2005

(see Applicant's Figures 9A and 9B and the accompanying description in the specification as filed), the need for a honeycomb box-like support underneath the deck, such as that described in Heinemann et al, can be eliminated. The support frame underneath the deck can be replaced with cross braces that minimize the amount of deck surface that is blocked and maximizes the amount of deck surface that is available for slots.

Coulter also does not provide what is missing from Heinemann et al. A review of Figure 5 of Coulter shows that the support frame is made of very wide members 30 which clearly would block air flow through substantial areas of the deck surface. In addition, these brace members 30 shown in Figure 5 of Coulter are interconnected by cross braces (unnumbered) that extend transversely between the members 30. Once again, such transverse brace members would block the flow of air through any slot located directly above the cross brace. Thus, there is clearly no suggestion of utilizing the support frame and staggered slot arrangement in the pallet deck as now claimed by Applicant.

Accordingly, Applicant requests the Examiner withdraw the §103(a) rejection based upon Coulter and Heinemann et al.

In the Office Action, claim 12 was rejected under 35 USC §103(a) as being unpatentable over Coulter '484 in view of Heinemann et al '719 and further in view of Allen et al U.S. Patent 6,135,531. The additional citation of Allen et al was merely to disclose that beveled welding is known in the art. However, Allen et al does not teach what is missing from Coulter and/or Heinemann et al as discussed above. Accordingly, Applicant believes this rejection should also be withdrawn by the Examiner in view of the amendments made herein to the independent claims.

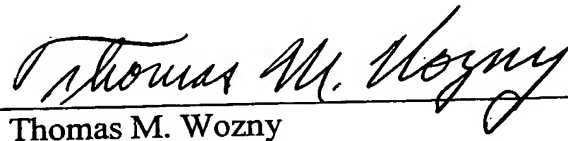
Application No. 10/764,203  
Amendment Dated June 16, 2005  
Reply to Office Action of January 19, 2005

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By

A handwritten signature in cursive script, reading "Thomas M. Wozny", is written over a horizontal line.

Thomas M. Wozny  
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770